

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-9665 - APPLICANT/OWNER: SAGEBRUSH CANTINA, LLC**

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***THIS ITEM WAS TABLED AT THE DECEMBER 21, 2005 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (6-1 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern) use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-9662), Special Use Permit (SUP-9664), and Site Development Plan Review (SDR-9666).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
6. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

***A) Action Requested***

This is a request for a Special Use Permit for a proposed Liquor Establishment (Tavern) adjacent to the southwest corner of Oso Blanca Road and Kyle Canyon Road.

***B) Applicant's Justification***

The applicant states that the benefits of this project are in line with the goals, objectives, and policies of the Centennial Hills Sector Plans goals and objectives. The applicant notes that the proposed use can be operated in a manner that is harmonious and compatible with the surrounding area.

**BACKGROUND INFORMATION**

***A) Related Actions***

There is no property history related to this site.

11/17/05      The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #40/ng).

***B) Pre-Application Meeting***

09/23/05      A pre application meeting was held where it was noted that there would be a future conflict with the northern beltway, the applicant would be responsible for off-site improvements and the elements of the Site Plan and associated applications were discussed.

***C) Neighborhood Meetings***

A neighborhood meeting is not required, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres:            2.48

***B) Existing Land Use***

Subject Property: Undeveloped  
North:                Undeveloped  
South:                Undeveloped  
East:                  Undeveloped  
West:                  Undeveloped

**C) Planned Land Use**

Subject Property: SC (Service Commercial)  
North: SC (Service Commercial)  
South: SC (Service Commercial)  
East: SC (Service Commercial)  
West: PCD (Planned Community Development)

**D) Existing Zoning**

Subject Property: U (Undeveloped) [SC (Service Commercial) General Plan Designation]  
North: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]  
U (Undeveloped) [SC (Service Commercial) General Plan Designation]  
South: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]  
East: U (Undeveloped) [SC (Service Commercial) General Plan Designation]  
West: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

**E) General Plan Compliance**

The subject property is designated as SC (Service Commercial) under the Centennial Hills Sector Plan of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. This category also includes offices either individually or grouped as office centers with professional and business services. This category includes the neighborhood and Village Center concept areas. The subject property is located in a Village Center concept area per the Centennial Hills Sector Concept Land Use Map. The property was annexed into the City of Las Vegas from Clark County in 2005. The Clark County land use designation was Service Commercial and per the Interlocal Agreement the subject properties land use remained Service Commercial as it had been with Clark County. This Special Use Permit conforms to applicable General Plan Policies and the regulations of the C-1 District.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		<b>X</b>
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>County/North Las Vegas/HOA Notification</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>	<b>X</b>	

This project requires two Special Use Permits within 500 feet of the Clark County boundary and is therefore a ‘Project of Regional Significance’.

## ANALYSIS

### A) *Zoning Code Compliance*

#### A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convenience Store	3,626 SF.	1/250 GFA	15			
Tavern	3,076 SF. 3,368 SF.	1/50 GFA 1/200 GFA	79			
Total			94	4	95	4

The subject property is in compliance with Title 19.10 parking requirements.

#### A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	Listed Below	Y

- No Liquor Establishment (Tavern) shall be located within 1,500 feet of any other Liquor Establishment (Tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City Park.
- The proposed Liquor Establishment (Tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of one hundred feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed Liquor Establishment (Tavern) will be located.
- All parking spaces required by LVMC Chapter 19.10 for the Liquor Establishment (Tavern) use will be located on the same parcel as the use.
- The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the Liquor Establishment (Tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
- The use shall conform to the provisions of LVMC Chapter 6.50.

Pursuant to Title 19.08, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Minimum of 50 Feet from any property line of a protected property.	Y

The proposed Liquor Establishment (Tavern) use is in conformance with all required standards.

***B) General Analysis and Discussion***

- Zoning

There is a related request for Rezoning (ZON-9662) to go from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) with this Special Use Permit request. The proposed use as a Liquor Establishment (Tavern) would be allowed with the approval of the Rezoning request and would be subject to the conditions of approval of the Rezoning.

- Use

The proposed use as a Liquor Establishment (Tavern) is subject to the following per Title 19.04.

- (1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between Liquor Establishments (Tavern), and a minimum separation between Liquor Establishment (Tavern) and certain other uses that should be protected from the impacts associated with a Liquor Establishment (Tavern). Therefore, except as otherwise provided below, no Liquor Establishment (Tavern) may be located within fifteen hundred feet of any other Liquor Establishment (Tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City Park.
- (2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed Liquor Establishment (Tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed Liquor Establishment (Tavern). The distance shall be measured in a straight line without regard to intervening obstacles.
- (3) For the purpose of Paragraph (2), and for that purpose only:
  - (a) The “property line” of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
  - (b) The “property line” of a Liquor Establishment (Tavern) refers to:

- (i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
  - (ii) The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:
- (A) Using the property line of that parcel for the purpose of measuring the distance separation referred to in Paragraph (1) would qualify the parcel under the distance separation requirement;
- (B) The proposed Liquor Establishment (Tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of one hundred feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed Liquor Establishment (Tavern) will be located;
- (C) All parking spaces required by LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and
- (D) The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the Liquor Establishment (Tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.
- (4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.
- (5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed Liquor Establishment (Tavern) that:
  - (a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;
  - (b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as historic property, historic building, or landmark; or
  - (c) Will be located within a regional mall; or
  - (d) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.
- (6) The use shall conform to the provisions of LVMC Chapter 6.50.

- Conditions

There are no special conditions associated with this application.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The surrounding land is currently undeveloped. The property is located near an interchange and has been designated as a Village Center on the Centennial Hills Sector Concept Land Use Map. The majority of the properties near the interchange are designated for commercial uses. The proposed use, as a Liquor Establishment (Tavern) and service station would be compatible with future surrounding land use and development.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject property is currently undeveloped. The site is 2.48 acres and has adequate size and access to provide for the proposed uses.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed development will be located on the corner of Kyle Canyon and Oso Blanca. This location is just west of the intersection of Kyle Canyon and US 95. These roads will provide adequate access to and from the proposed development.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site would be subject to frequent inspections and would not compromise public health or safety.

## NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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**SENATE DISTRICT** 9

**NOTICES MAILED** 46

**APPROVALS** 0

**PROTESTS** 0